

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1390**

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**Introduced by Assembly Member Blumenfield**

February 27, 2009

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An act to add Section 38006 to the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1390, as amended, Blumenfield. School security and police departments: criminal activity involving firearms.

(1) Existing law authorizes the governing board of a school district to establish a security department under the supervision of a chief of security or a police department under the supervision of a chief of police, as designated by, and under the direction of, the superintendent of the school district. ~~Existing law authorizes the governing board to employ personnel to ensure the safety of school district personnel and pupils and the security of the real and personal property of the school district.~~ Existing law designates persons employed and compensated as members of a police department of a school district, when appointed and duly sworn, as peace officers. Existing law prescribes the required training and conditions of employment for school security officers.

This bill would require a school security department or school police department, ~~within 24 hours of an incident of criminal activity involving~~ *to make a written report, within 24 hours of the incident, regarding an incident occurring on a school campus that involves either a crime accompanied by the use or possession of a firearm occurring on a school site under the control of the school district, to report the incident in writing or any of several specified acts for which a school principal*

*or school district superintendent is required to recommend a pupil for expulsion to the appropriate law enforcement agency having jurisdiction over the area in which the incident occurred. The bill also would require a school security department or school police department, ~~within 24 hours of~~ to make a written report, within 24 hours of the incident, regarding an incident in which a firearm is surrendered to or otherwise seized by a school security officer or a school peace officer on a ~~schoolsite under the control of the school district, to report the incident in writing~~ school campus to the appropriate law enforcement agency having jurisdiction over the area in which the incident occurred. The bill would require the law enforcement agency, upon receiving the firearm from the school security department or school police department, to store the firearm in the same location where the agency maintains evidence for safekeeping.*

By requiring school security and police departments and local law enforcement agencies to perform additional duties, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 38006 is added to the Education Code,  
2     to read:  
3     38006. (a) A school security department or school police  
4     department, ~~within 24 hours of an incident of criminal activity~~  
5     ~~involving a firearm occurring on a schoolsite under the control of~~  
6     ~~the school district, shall report the incident in writing to the~~ *shall*  
7     *make a written report, within 24 hours of the incident, regarding*  
8     *an incident occurring on a school campus that involves either a*  
9     *crime accompanied by the use or possession of a firearm or any*  
10    *of the acts specified in Section 48915 to the appropriate law*

1 enforcement agency having jurisdiction over the area in which the  
2 incident occurred.

3 (b) A school security department or school police department;  
4 ~~within 24 hours of~~ *shall make a written report, within 24 hours of*  
5 *the incident, regarding* an incident in which a firearm is  
6 surrendered to, or otherwise seized by, a school security officer  
7 or a school peace officer on a ~~school site under the control of the~~  
8 ~~school district, the incident shall report in writing~~ *school campus*  
9 to the appropriate law enforcement agency having jurisdiction over  
10 the area in which the incident occurred. The law enforcement  
11 agency, upon receiving the firearm from the school security  
12 department or school police department, shall store the firearm in  
13 the same location where the agency maintains evidence for  
14 safekeeping.

15 SEC. 2. If the Commission on State Mandates determines that  
16 this act contains costs mandated by the state, reimbursement to  
17 local agencies and school districts for those costs shall be made  
18 pursuant to Part 7 (commencing with Section 17500) of Division  
19 4 of Title 2 of the Government Code.